

LEGISLATIVE BILL 181

Approved by the Governor March 20, 2003

Introduced by Stuhr, 24; Baker, 44; Kremer, 34; Raikes, 25

AN ACT relating to the Board of Regents of the University of Nebraska; to amend sections 32-571, 32-618, and 85-103, Reissue Revised Statutes of Nebraska, and sections 32-101 and 32-572, Revised Statutes Supplement, 2002; to provide for filling vacancies on the board; to change provisions relating to petition signature requirements; to harmonize provisions; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 32-101, Revised Statutes Supplement, 2002, is amended to read:

32-101. Sections 32-101 to 32-1551 and section 2 of this act shall be known and may be cited as the Election Act.

Sec. 2. (1) When a vacancy occurs in the Board of Regents of the University of Nebraska, the office shall be filled by the Governor. The Governor shall appoint a suitable person possessing the qualifications necessary for a member of the Board of Regents.

(2) (a) If the vacancy occurs more than seventy-five days before a statewide general election, the appointee shall serve until the first Thursday following the first Tuesday in January following such general election and at such general election a member of the Board of Regents shall be elected to serve the unexpired term if any.

(b) If the vacancy occurs within seventy-five days before a statewide general election and if the term vacated expires on the first Thursday following the first Tuesday in January following such general election, the appointee shall serve the unexpired term.

(c) If the vacancy occurs within seventy-five days before a statewide general election and if the term vacated extends beyond the first Thursday following the first Tuesday in January following such general election, the appointee shall serve until the first Thursday following the first Tuesday in January following the second general election next succeeding his or her appointment and at such election a member of the Board of Regents shall be elected to serve the unexpired term if any.

Sec. 3. Section 32-571, Reissue Revised Statutes of Nebraska, is amended to read:

32-571. Appointments made pursuant to sections 32-564 to 32-570 and section 2 of this act shall be in writing and shall continue for the unexpired term and until a successor is elected and qualified except as otherwise provided in such sections. The written appointment shall be filed with the Secretary of State or county or township clerk. No person shall be appointed to fill a vacancy unless he or she has the qualifications required to be elected to such office at the time of the appointment unless otherwise specifically provided.

Sec. 4. Section 32-572, Revised Statutes Supplement, 2002, is amended to read:

32-572. (1) Every officer elected or appointed for a fixed term shall hold office until his or her successor is elected or appointed and is qualified. The fixed term shall end and the successor, whether elected or appointed, shall qualify on the day for taking office as provided by law. This section shall not be construed in any way to prevent the removal or suspension of such officer during or after his or her term in cases provided by law.

(2) The appointment to fill any vacancy if the elective or appointive officer fails to qualify shall be made as provided in sections 32-566 to 32-570 and section 2 of this act. If the vacancy is created by the elective or appointive officer on or before the day for taking office, the incumbent shall remain in office until his or her successor is appointed and qualified and sworn into office, and the swearing in shall not be more than one calendar month from the day for taking office as provided by law. The appointing board or officer shall have the authority to appoint any qualified registered voter to fill the vacancy.

Sec. 5. Section 32-618, Reissue Revised Statutes of Nebraska, is amended to read:

32-618. (1) The number of signatures of registered voters needed to place the name of a candidate upon the nonpartisan ballot for the general election shall be as follows:

(a) For each nonpartisan office other than members of the Board of Regents of the University of Nebraska and board members of a Class III school district, at least ten percent of the total number of registered voters voting for Governor or President of the United States at the immediately preceding general election in the district or political subdivision in which the officer is to be elected. If the district in which the petitions are circulated comprises more than two counties, at least twenty-five signatures shall be obtained in each county comprising the district;

(b) For members of the Board of Regents of the University of Nebraska, at least ten percent of the total number of registered voters voting for Governor or President of the United States at the immediately preceding general election in the regent district in which the officer is to be elected, not to exceed one thousand. If the regent district in which the petitions are circulated comprises more than two counties, at least twenty-five signatures shall be obtained in each of two-fifths of the counties comprising the district; and

(c) ~~(b)~~ For board members of a Class III school district, at least twenty percent of the total number of votes cast for the board member receiving the highest number of votes at the immediately preceding general election in the school district.

(2) The number of signatures of registered voters needed to place the name of a candidate upon the partisan ballot for the general election shall be as follows:

(a) For each partisan office to be filled by the registered voters of the entire state, at least two thousand;

(b) For each partisan office to be filled by the registered voters of a county or political subdivision other than a township or precinct, at least twenty percent of the total vote for Governor or President of the United States at the immediately preceding general election within the county or political subdivision, not to exceed two thousand; and

(c) For each partisan office to be filled by the registered voters of a township or precinct, fifty.

The number of signatures shall not be required to exceed one-fourth of the total number of registered voters voting for the office at the immediately preceding general election when the nomination is for a partisan office to be filled by the registered voters of a county, township, or precinct.

Sec. 6. Section 85-103, Reissue Revised Statutes of Nebraska, is amended to read:

85-103. The general government of the University of Nebraska shall be vested in a board of eight regents elected from districts as provided in section 32-510. Vacancies occurring in the board shall be filled as provided in section ~~32-567~~ 2 of this act.

Sec. 7. Original sections 32-571, 32-618, and 85-103, Reissue Revised Statutes of Nebraska, and sections 32-101 and 32-572, Revised Statutes Supplement, 2002, are repealed.